

SPECIAL ISSUE

COUNTY ASSEMBLIES FORUM (CAF)
P. O. Box 73552 - 00200,
NAIROBI, KENYA

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**ISILO COUNTY GAZETTE
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THE ISIOLO COUNTY EMERGENCY FUND BILL, 2016

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THE ISIOLO COUNTY EMERGENCY FUND BILL, 2016

A Bill for

AN ACT of the County Assembly of Isiolo to provide for the establishment of an emergency fund and for connected purposes

ENACTED by the County Assembly of Isiolo as follows—

PART I —PRELIMINARY

1. This act may be cited as the Isiolo county Emergency Fund Act, 2015. Short title

2. In this Act, unless the context otherwise requires— Interpretation
 “appropriation” means funds provided for to pay the supply of services;

“County” means the County Government of Isiolo;

“County Assembly” means the County Assembly of Isiolo County;

“Fund” means the county Emergency fund established under section 3 of the Act;

“county executive committee member” means the County Executive Member responsible for finance;

“Financial” year means the period of twelve months ending on thirtieth day of June.

PART II—EMERGENCY FUND

3. (1) There is established a fund to be known as the Isiolo County Emergency Fund. Establishment of a fund.

(2) The fund shall consist of—

(a) Monies appropriated by the county Assembly; and

(b) Grants and donations made into the fund.

(3) The County Assembly shall, in appropriating monies under subsection (2) (a) in each financial year, ensure that monies contained in the fund are 10 percent of the county budget or as the circumstance demands within the county.

4. The object and purpose of the fund is to enable payments to be made in respect of a county when an urgent and unforeseen need for expenditure arises for which there is no specific legislative authority. Purpose of establishing the fund

5. (1) The County Executive Committee Member shall be responsible for administering the fund.

(2) The County Executive Committee Member shall open and maintain a separate account into which all money appropriate to the fund shall be paid.

6. The County Executive Committee Member may make payments from the fund only if satisfied that—

- (a) there is an urgent and unforeseen need for the expenditure for which there is no legislative authority;
- (b) it is in the best public interest; and
- (c) an event has caused a damage, loss, hardship or suffering to residents of the county or threatens to damage the environment and the event is limited to the county.

(2) For the purposes of subsection (1)—

- (a) there is an urgent and unforeseen need for expenditure if; in the opinion of the county executive committee member—
 - (i) Payment cannot be delayed until the next financial year without causing harm to general public interest of the county;
 - (ii) The payment is necessary to alleviate the damage, loss, hardship or suffering which may be directly caused by the event; and
 - (iii) Need for expenditure is unforeseen and has not been provided for in an appropriation law made by the county assembly for the current financial year.

7. The County Executive Committee Member shall not, during a financial year; make payment under section 6 if the payment exceeds ten per cent of the total county government's revenue as shown in that county's audited financial statements for the previous financial year except for the first year.

8. All receipt earnings and accruals to the fund and the balance of the fund at the close of the financial year shall be retained by the fund for the purpose for which it is established.

9. (1) The County Executive Committee Member shall notify the county assembly in writing within two months after payment is made out of the fund.

(2) If the county assembly is not sitting during the period referred to in subsection (1) and the county executive committee member has not sought the approval of the county assembly before the end of that period, the approval of the county assembly for the payment within fourteen days after it next sits.

(3) As soon as practicable after the county assembly has approved the payment, the county executive committee member shall arrange for an appropriation bill to be introduced into the county assembly for the appropriation of the money paid and for the replenishment of the fund to the extent of the amount of the payment.

10. (1) Within three months after the end of each year, the county treasury shall prepare and submit to the auditor general a financial statement in respect of the fund for the year.

Financial
statements

(2) The financial statement prepared under subsection (1) Shall include the following information—

- (a) the date and the amount of each payment;
- (b) The person to whom the payment was made;
- (c) The purpose for which the payment was made;
- (d) Whether the person to whom the payment was made spent the money for the purpose and a statement made to the effect;
- (e) If the person to whom the payment has been made has not spent the money for the purpose a statement specifying the reasons for not having done so; and
- (f) A statement indicating how the payment conforms to section 6 of this Act, the legislation or the policy of the county relating to disaster management.

11. The county executive committee member may make regulations for the better carrying out of the provisions of this Act.

Regulations

MEMORANDUM OF OBJECT AND REASONS

The Bill establishes the Isiolo county Emergency fund to provide payment for unforeseen needs for expenditure which cannot be delayed to the next financial year. It further provides for payments for the need for expenditures to alleviate damage, loss, hardship or suffering of Isiolo county residents that may be caused by unforeseen events such as drought, famine, fire, flood, storm, or outbreak of disease, among others.

The Bill is structured as follows;

Clause 1 provides for the short title of the Act.

Clause 2 provides for the interpretation of terms used in the bill. This is intended to provide clarity during the implementation of the Act,

Clause 3 establishes the fund. It provides that the fund will consist of funds appropriated by the county assembly. It further provides the minimum monies the fund should have in relation to the total budget of the county. The section also provides for the fund to be maintained in a separate bank account.

Clause 4 highlights the purpose of the establishment of the fund.

Clause 5 provides for the administration of the fund by the county executive committee member responsible for finance.

Clause 6 sets out the power of the committee member in relation to making payments out of the fund in the case of an emergency.

Clause 7 set out the limitation to the powers of county executive committee member to make payments out the fund not exceeding two percent of the county's budget.

Clause 8 provides for the retention of the monies in the fund at close of the financial year in the fund.

Clause 9 compels the county executive committee member to obtain the approval of the county assembly for the payments made out of the fund within two months of such payment.

Clause 10 provides for the county treasury to prepare a finance statement within three months after the end of each financial year, highlights the information to be contained in the financial statement and requires submission of the statement to the auditor general.

Clause 11 confers on the county executive committee member's powers to make regulations under the Act.

The bill shall occasion additional expenditure to the county. The expenditure will be appropriated by the county assembly

HASSAN DIBA KUMPA,

Member, County Assembly.

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